



# NEWSLETTER

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No. 254

2021.7

## Weekly IP News By Lifang & Partners

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## **The Supreme People's Court issued the "*Provisions on Several Issues Concerning the Application of Law in the Trial of Civil Cases of Patent Disputes Related to Drugs Applied for Registration*"**

On July 5, 2021, the Supreme People's Court issued the "Provisions on Several Issues Concerning the Application of Law in the Trial of Civil Cases of Patent Disputes Related to Drugs Applied for Registration." The judicial interpretation was implemented on the same day.

The promulgation and implementation of the judicial interpretation plays an important role in ensuring the correct implementation of the patent law, improving the connection between litigation process, and drug review and approval procedures and administrative adjudication procedures, and promoting the unification of administrative law enforcement standards and judicial adjudicative standards for intellectual property rights.

Source: The Supreme People's Court

## **China has established an early resolution mechanism for drug patent disputes and issued trial implementation measures**

According to the "Patent Law of the People's Republic of China", the State Drug Administration and the State Intellectual Property Office organized the formulation of the "Measures for Implementing the Mechanism for Early Resolution of Drug Patent Disputes (for Trial Implementation)", which was issued and implemented on July 4 with the consent of the State Council to protect the lawful rights and interests of drug patent holders, encourage new drug research and promote the development of high-level generic drugs, and establish an early resolution mechanism for drug patent disputes.

Source: Chinanews.com

## **The claimed amount exceeds 1 billion dollars! Huawei v. Verizon infringement on the patent of optical transmission in court**

According to a Reuters report on July 6, the Chinese technology company Huawei sued Verizon, the largest telecommunications company in the United States, for patent infringement, which will be heard in Texas on Wednesday, local time. According to Reuters, Huawei informed Verizon as early as June 2019 that it should pay Huawei more than \$1 billion in royalties for using Huawei's more than 230 patented technologies.

Source: Tencent News

## **Three Chinese IVD Companies Won in U.S. 337 Investigation**

On January 20, 2021, in response to the request of the American ARK Diagnostics Company, the U.S. International Trade Commission (ITC) decided to initiate a 337 investigation into the patent of "Gabapentin Immunoassay Kits and Test Strips, Components Thereof, and Methods Therefor". On June 30, the ITC issued a final decision for the 337 investigation of gabapentin immunoassay kits and test strips, agreeing that ARK Diagnostics, inc., the plaintiff in the case, withdrew its lawsuit against Hangzhou AllTest Biotech Co., Ltd., Shanghai Chemtron Biotech Co., Ltd. and Zhejiang Orient Gene Biotech Co., Ltd.

Source: Tencent News

## **VEEX was sued by Philip Morris for trademark infringement and unfair competition**

According to reports, the domestic electronic cigarette company VEEX and its foundry Momo were recently brought to court by a subsidiary of American tobacco tycoon Philip Morris (Philip Morris), suing the two defendants for trademark infringement and suspected unfair competition. Also included in the defendant a food store in Shanghai that sold VEEX electronic cigarettes.

Source: Sina Finance

## **Lotus Monosodium Glutamate auctions 24 trademarks, with an estimated value of over 80 million**

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Source: Sina Finance

## **State Post Bureau: will investigate and deal with unfair competition behaviors of express delivery companies**

Recently, seven departments jointly issued the "Opinions on Doing a Good Job in Protecting the Legal Rights and Interests of the Courier Group." On the 8th, Jin Jinghua, Director of the Market Supervision Department of the State Post Bureau, said at a press conference that the State Post Bureau has now instructed the China Express Association to carry out a pilot project for terminal fee accounting in some cities and will continue to expand the scope of the trial in the next step. In the case of exceeding the labor quota, it is necessary to guide the express delivery company to fully consider factors such as working hours and wages, so that the courier can earn more with more work. Regarding the issue of some enterprises implementing abnormally low delivery fees for express mail sent from specific regions, the postal administration will cooperate with relevant departments to strengthen supervision and inspection, and will investigate and deal with suspected acts of unfair competition in accordance with the law.

Source: Chinanews.com

## **"Xiaolongkan" VS "Xiaolongkan", two hot pot restaurants filed a trademark lawsuit**

Recently, the High People's Court of Fujian Province (hereinafter referred to as Fujian High Court) has filed a complaint against Sichuan Renzhong Investment Management Co., Ltd. (hereinafter referred to as Renzhong Company) and Quanzhou Weizai Hotpot Restaurant Management Co., Ltd. (hereinafter referred to as Weizai Company) against trademark infringement and improper conduct. The second-instance judgment was made in the competition dispute case, and it was determined that Weizai Company used the words "Xiaolongkan" and "Xiaolongkan" in many places such as shop signs, plaques, and menus when providing catering services to the relevant public, which violated Renzhong's holdings. Some registered trademarks "Xiaolongkan" No. 18096479 (hereinafter referred to as the trademark involved) must immediately stop infringement and compensate Renzhong for economic losses totaling 60,000 yuan.



Source: People's Government of Hubei Province

## **Six famous film and television companies accused short video infringement and piracy**

After more than 70 film and television companies and more than 500 actors, directors and screenwriters jointly issued a proposal to boycott the infringement of short online video, copyright protection in the field of film and television has taken a new trend. Recently, six famous film and television companies, including CIWEN Media and HUACE Media, denounced the infringement and piracy of short videos and called for the establishment of a good industry copyright ecology.

Source: China Intellectual Property Right

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